

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: <u>6/3/15</u>

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HERMAN KELLEY and BESSIE BANKS, :  
Plaintiffs, : 14 Civ. 2968 (PAE)  
:-----  
-v- : ORDER  
:-----  
THE UNIVERSAL MUSIC GROUP, et al., :  
Defendants. :  
:-----X-----

PAUL A. ENGELMAYER, District Judge:

On June 2, 2015, defendant UMG Recordings, Inc. filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Dkt. 48. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Because plaintiffs are proceeding *pro se*, however, the Court will give plaintiffs an additional week to amend the complaint.

If plaintiffs wish to file an amended complaint, they shall do so by June 30, 2015. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss. If plaintiffs do amend, by three weeks after the amended complaint is filed, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiffs, stating that defendant relies on the previously filed motion to dismiss.

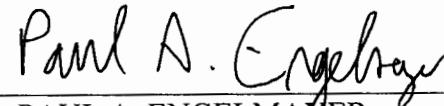
If plaintiffs do not wish to file an amended complaint, they shall file and serve their opposition to the motion to dismiss by June 30, 2015. Defendant shall file and serve its reply, if any, by July 14, 2015. At the time any reply is served, defendant shall supply the Court with two

courtesy copies of all motion papers by mailing or delivering them to the United States Courthouse, 40 Centre Street, New York, New York.

It is further ORDERED that either party may, prior to expiration of the briefing schedule for the motion, request an extension of this schedule. A deadline will be extended if the party demonstrates that its pursuit of the action has been diligent and that there is a good reason for extending the deadline.

The Court directs defense counsel to serve this Order upon plaintiffs by the close of business on June 4, 2015, and file an affirmation of service on ECF by June 5, 2015, reflecting the fact of this service.

SO ORDERED.



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PAUL A. ENGELMAIER  
United States District Judge

Dated: June 3, 2015  
New York, New York